

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

OLIVIA Y., et al

PLAINTIFFS

vs

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, et al.

DEFENDANTS

**DEFENDANTS' AND MISSISSIPPI DEPARTMENT OF HUMAN SERVICES'
RESPONSE TO 30(b)(6) DEPOSITION NOTICE CONCERNING ALLEGATIONS OF
ABUSE AND NEGLECT OF FOSTER CHILDREN**

GENERAL OBJECTION

Plaintiff's Notice to Take 30(b)(6) Deposition of the Department of Human Services filed on or about May 25, 2005 is overly broad, unduly burdensome and seeks information and testimony beyond the scope of this litigation.

In particular, Defendants and Mississippi Department of Human Services ("MDHS") object to the proposed deposition topics to the extent that Plaintiffs seek testimony regarding claims that were dismissed in this action by Order of the Court November 9, 2004.

Without waiving the foregoing objections, and subject to them, Defendants and MDHS respond as follows to the specific topics of Plaintiffs' Notice of 30(b)(6) Deposition of the Department of Human Services concerning allegations of abuse and neglect of foster children as follows:

TOPIC NO. 1: Mississippi Department of Human Services and/or Mississippi Division of Family and Children's Services policies, practices, and procedures concerning the following:

- a. The reporting and investigation of alleged abuse, neglect, corporal punishment, improper restraints, or other maltreatment of foster children while in custody.

- b. Injuries and/or deaths of foster children while in custody and the investigation of same; and
- c. Remedial actions, if any, after investigations of alleged abuse, neglect, corporal punishment, improper restraints, or other maltreatment of children in custody.

RESPONSE TO TOPIC NO. 1: Defendants and MDHS state that they have identified Kathy Triplett, Protection Unit Director, as the 30(b)(6) witness regarding the matters set forth in Topic 1.

TOPIC NO. 2: Mississippi Department of Human Services and/or Mississippi Division of Family and Children's Services policies, practices, and procedures concerning the creation and maintenance of files and records on individual children who are the subject of an allegation of abuse, neglect, corporal punishment, improper restraints, or other maltreatment while in custody.

RESPONSE TO TOPIC NO. 2: Defendants and MDHS state that they have identified Kathy Triplett, Protection Unit Director, and Nancy Meaders, Project Officer IV, Special, as the 30(b)(6) witnesses regarding the matters set forth in Topic 2.

TOPIC NO. 3: The structure, organization, and responsibilities of the unit, if any within the Division of Family and Children's Services responsible for following up on intakes classified as Special Investigations or other allegations of abuse, neglect, corporal punishment, improper restraints, or other maltreatment of children in care.

RESPONSE TO TOPIC NO. 3: Defendants and MDHS state that they have identified Kathy Triplett, Protection Unit Director, as the 30(b)(6) witness with regard to the areas set forth in topic 3.

TOPIC NO. 4: The job descriptions and minimum qualifications for the position of the employees who carry out Special Investigations or other investigations of allegations of abuse, neglect, corporal punishment, improper restraints, or other maltreatment of children in care.

RESPONSE TO TOPIC NO. 4: Defendants and MDHS state that they have identified Kathy Triplett, Protection Unit Director, as the 30(b)(6) witness with regard to the areas set forth in topic 4.

TOPIC NO. 5: Mississippi Department of Health and Human Services and/or Mississippi Division of Child and Family Services policy, practice, and procedure regarding the exchange of information concerning allegations of maltreatment of individual children in custody between Special Investigations and the following:

- a. The child's County of Responsibility, including but not limited to the Social Worker assigned to the child and the Licensure Specialist with responsibility for the home or facility in which the alleged abuse, neglect, corporal punishment, improper restraint, or other maltreatment occurred;
- b. The child's County of Service (if distinct from the County of Responsibility), including but not limited to the Social Worker assigned to the child and the Licensure Specialist with responsibility for the facility in which the alleged abuse, neglect, corporal punishment, improper restraint, or other maltreatment occurred;
- c. The Regional Office for the child's County of Responsibility;
- d. The Regional Office for the child's County of Service (if distinct from the County of Responsibility);
- e. The Placement Unit;

- f. The Protection Unit;
- g. Any other division within the State Office of the Division of Children's and Family Services or the Mississippi Department of Human Services; and
- h. The Governor's Office.

RESPONSE TO TOPIC NO. 5: Defendants and MDHS state that they have identified Kathy Triplett, Protection Unit Director, as the 30(b)(6) witness with regard to the policy, practice, and procedure concerning the areas set forth in topic 5.

TOPIC NO. 6: Mississippi Department of Human Services and/or Mississippi Division of Family and Children's Services sources and scope of aggregate data concerning the following:

- a. Allegations of abuse, neglect, corporal punishment, improper restraints, or other maltreatment of foster children while in custody;
- b. Injuries and/or deaths of foster children while in custody;
- c. Length of time involved in investigations into incidents described in Nos. 6(a) and 6(b);
- d. Findings of investigations into incidents described in 6(a) and 6(b);
- e. Remedial actions, if any, after investigations of alleged abuse, neglect, corporal punishment, improper restraints, or other maltreatment of children in custody.

RESPONSE TO TOPIC NO. 6: Defendants and MDHS state that they have identified Nancy Meaders, Project Officer IV, Special, as the 30(b)(6) witness to the sources and scope of aggregate data as set forth in topic 6.

TOPIC NO. 7: The reporting of aggregate data described in No. 6 to any of the following:

- a. The Protection Unit;
- b. The Placement Unit;
- c. Licensing Specialists;
- d. The County Offices;
- e. The Regional Offices;
- f. The Mississippi Department of Human Services;
- g. The Governor's Office.

RESPONSE TO TOPIC NO. 7: Defendants and MDHS state that they have identified Nancy Meaders, Project Officer IV, Special, as the 30(b)(6) witness to the reporting of aggregate data to the units and offices set forth in topic 7.

TOPIC NO. 8: The contents of files and records of reports and investigations in which allegations were substantiated in each of the following categories:

- a. Abuse of individual children in custody;
- b. Neglect of individual children in custody;
- c. Corporal punishment of individual children in custody;
- d. Improper restraints of individual children in custody;
- e. Injuries of individual children in custody; and
- f. Deaths of individual children in custody.

RESPONSE TO TOPIC NO. 8: Defendants and MDHS state that they have identified Nancy Meaders, Project Officer IV, Special, as the 30(b)(6) witness to the contents of files and records of reports and investigations in the categories set forth in topic 8.

TOPIC NO. 9: The contents of files and records of reports and investigations in which children were allegedly abused by any of the following:

- a. Any employee of the Division of Family and Children's Services; and
- b. Any employee of Youth Court.

RESPONSE TO TOPIC NO. 9: Defendants and MDHS state that they have identified Kathy Triplett, Protection Unit Director, as the 30(b)(6) witness to the contents of files and records in the areas set forth in topic 9.

TOPIC NO. 10: The identity and qualifications of the individuals currently employed to carry out Special Investigations or other investigations of allegations of abuse, neglect, corporal punishment, improper restraints, or other maltreatment of children in care.

RESPONSE TO TOPIC NO. 10: Defendants and MDHS state that they have identified Kathy Triplett, Protection Unit Director, as the 30(b)(6) witness to the areas set forth in topic 10.

This the 10th day of June, 2005.

Respectfully submitted,

**HALEY BARBOUR, as Governor of the State of
Mississippi; DONALD TAYLOR, as Executive Director
of the Department of Human Services; and
BILLY MANGOLD as Director of the Division of
Family and Children's Services**

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_____/s/ Betty A. Mallett_____
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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I also certify that I have this day served a copy of the foregoing on the following non-ECF participants by United States Mail, postage prepaid:

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SO CERTIFIED, this the 10th day of June, 2005.

/s/ Betty A. Mallett
Betty A. Mallett